

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA,

v.

XAIVER SCOTT MILLER,

Defendant.

CRIMINAL ACTION NO.
5:19-cr-00071-TES-CHW

ORDER GRANTING SECOND MOTION TO CONTINUE

Before the Court is Defendant's Unopposed Motion to Continue [Doc. 29], in which he seeks to continue the January 14, 2020, Pretrial Conference and the trial currently set to begin on February 10, 2020. On November 12, 2019, the Grand Jury indicted Defendant on one count of Possession with intent to Distribute Methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and § 841(b)(1)(A)(viii); one count of Possession with Intent to Distribute Marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D), and Possession of Firearm in Furtherance of a Drug Trafficking Offense, in violation of 18 U.S.C. §§ 924(a)(2) and 924(c)(1)(A). [Doc. 1 at pp. 1–2]. At his initial appearance and arraignment on December 12, 2019, Defendant pled not guilty to these charges. [Doc. 18]; [Doc. 19]. That same day, United States Magistrate Judge Weigle issued an Order of Detention Pending Trial. [Doc. 20].

In the instant motion, Defendant's counsel indicates that he needs additional time to review the government's discovery, which was provided on or about December 16,

2019, to meet with Defendant, to complete defense investigations, and to prepare and file pretrial motions, if warranted. [Doc. 29 at p. 2]. He therefore requests additional time to attend to these matters and prepare for trial accordingly. [*Id.*]. This will be the first continuance of the case, and the Government does not oppose the continuance. [*Id.* at p.2].

Having considered Defendant's Unopposed Motion, the Court finds that it serves the ends of justice to grant Defendant adequate time to review discovery and to prepare for trial. The ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial. Failure to grant a continuance would deny counsel reasonable time for effective preparation, given consideration for the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). Additionally, failure to grant this continuance could result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(i).

Thus, the Court **GRANTS** Defendant's Second Unopposed Motion to Continue [Doc. 29] and **IT IS HEREBY ORDERED** that this case be continued until the next trial term, which is set to begin April 13, 2020. The pretrial conference will also be continued. The delay occasioned by this continuance shall be deemed excludable pursuant to the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A-B).

SO ORDERED, this 23rd day of December, 2019.

s/ Tilman E. Self, III
TILMAN E. SELF, III, Judge
UNITED STATES DISTRICT COURT